

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jesus ZAMORA-Garcia,

Defendant

Magistrate Docket No. **08 MJ 0862**

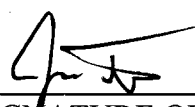
COMPLAINT FOR VIOLATION OF: **1P**

Title 8, U.S.C., Section 1326  
Deported Alien Found in the  
United States

The undersigned complainant, being duly sworn, states:

On or about **March 17, 2008** within the Southern District of California, defendant, **Jesus ZAMORA-Flores**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
\_\_\_\_\_  
SIGNATURE OF COMPLAINANT  
James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **19th DAY** OF **March 2008**.

  
\_\_\_\_\_  
Leo S. Papas  
UNITED STATES MAGISTRATE JUDGE

### PROBABLE CAUSE STATEMENT

On March 17, 2008, Border Patrol Agent G. Perez was performing uniformed line watch duties in the Chula Vista Station's area of responsibility. At approximately 10:30 p.m., infrared scope operator Border Patrol Agent B. Hurlbut notified Agent via radio that he observed six individuals walking in an area known as "Thousand Trails." This area is located approximately six miles east of the Otay Mesa California Port of Entry and approximately four miles north of the United States/Mexico international border.

Agent Hurlbut directed Agent Perez to the location and found five individuals attempting to conceal themselves in some brush. Agent Perez approached the individuals, identified himself as a United States Border Patrol Agent and questioned each individual as to their citizenship. All five admitted to being citizens and nationals of Mexico without any immigration documents allowing them to legally be or remain in the United States. Agent Hurlbut then advised Agent Perez that an individual he observed leading the group had separated from the group and traveled westbound. After a brief search of the area, Agent Perez located an individual later identified as the defendant **Jesus ZAMORA-Garcia**, attempting to hide in a bush. Agent Perez approached the defendant and identified himself as a United States Border Patrol Agent. He then conducted an immigration inspection. The defendant admitted to being a citizen and national of Mexico without any immigration documents allowing him to be in or remain in the United States legally. All six individuals were placed under arrest and transported to the Chula Vista Border Patrol station for processing.

Routine record checks of the defendant revealed an immigration history. The defendant's record was determined by a comparison of his immigration record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **March 13, 2008** through **Calexico, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. He stated he understood and was willing to make a statement without an attorney present. The defendant admitted to being a citizen and national of Mexico illegally present in the United States. The defendant also admitted to previously being deported from the United States and has not applied for admission to re enter the United States legally.